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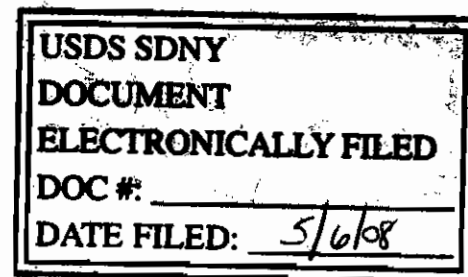
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MEMO ENDORSED

May 5, 2008

VIA FACSIMILE

Hon. Colleen McMahon
United States District Judge
United States District Court
500 Pearl Street, Room 640
New York, New York 10007



Re: *New York Rebar Installation, Inc., et al. v. Robert Ledwith, et al.*
07 Civ. 7607 (CM)

Dear Judge McMahon:

I am co-counsel for the defendants/counterclaim plaintiffs in the above-entitled action and are writing this letter on behalf of all parties, in accordance with Rule 1(E) of Your Honor's individual practices, to request an extension of several dates in the amended case management plan that Your Honor signed on February 5, 2008. A copy of the current amended case management plan (as well as the original case management plan) is enclosed, together with a copy of the proposed revised scheduling order, which counsel for all parties have executed (and which we have filed via an electronic mailing to the Court's Orders and Judgments Clerk).

In essence, the requested changes would extend the current deadlines for completion of fact and expert discovery, as well as the deadline for the filing of the pre-trial order, by approximately 90 days. These extensions are necessary due to the extremely complicated nature of this ERISA-based action and the volume of documents that need to be reviewed, which has been amplified by the pendency of two other proceedings in the United States District Court for the Eastern District of New York, in which the parties have been engaged in extensive substantive motion practice. The full extent of the documents to be reviewed and the combined and continuing impact of those other cases was not something that was fully appreciated or foreseeable at the time in which the amended case management plan was entered into in this case.

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With regard to this case, the parties have been actively and diligently engaged in discovery. They have served and responded to (as the case may be) interrogatory requests and requests for admissions. Each of the parties has also served multiple requests for documents and made voluminous productions in response thereto. While documentary discovery is not yet complete, many of the issues presented by the requests and objections thereto are complex and involve sensitive matters. The parties have been attempting to work through these issues as best they can through the "meet and confer" process (including lengthy phone conferences and the exchange of comprehensive written correspondence and e-mails). It is worth noting that, at least thus far, the parties have been able to work through their discovery-related issues without the need for court intervention.

One particular area of concern to defendants/counterclaim plaintiffs vis-à-vis the current schedule relates to banking records. In this regard, following our most recent "meet and confer", plaintiffs/counterclaim defendants indicated that they will be producing various banking records which are critical to defendants/counterclaim plaintiffs' case. In addition to these materials being voluminous (we are advised that there are approximately 1000 cancelled checks each month for one of the parties alone), the parties are still attempting to resolve issues concerning the delivery of this information in electronic format. That being said, once this material is obtained, defendants/counterclaim plaintiffs will need sufficient time for the documents and data to be analyzed by a forensic accountant prior to the start of depositions.

There has been one previous request to modify the dates in the original case management plan which was granted on consent.

Respectfully submitted,



Andrew J. Weinstein

Enclosures

cc: Ryan P. Farley, Esq. (via e-mail w/enclosure)
Buchanan Ingersoll & Rooney, PC
Attorneys for Plaintiffs / Counterclaim Defendants